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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/875,549

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Sho Kuwamoto

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FISH & RICHARDSON P.C.  
P.O. Box 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER

TANG, KENNETH

ART UNIT

PAPER NUMBER

2195

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/875,549	<b>Applicant(s)</b> KUWAMOTO ET AL.	
	<b>Examiner</b> KENNETH TANG	<b>Art Unit</b> 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9, 11-13, 15, 17, 18, 27, 29-31, 33, 35, 36 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 11-12, 15, 27, 29-30, 33, and 47-49, and 51 is/are rejected.
- 7) ☒ Claim(s) 13, 17, 18, 31, 35, 36, 50, 52 and 53 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the Amendment on 3/12/08. Applicant's arguments have been fully considered but were not found to be persuasive.
2. Claims 9, 11-13, 15, 17-18, 27, 29-31, 33, 35-36 and 47-53 are presented for examination.

### ***Allowable Subject Matter***

3. Claims 13, 17, 18, 31, 35, 36, 50, 52, and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9, 11-12, 15, 27, 29-30, 33, and 47-49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burd et al. (hereinafter Burd) (US 6,961,750 B1) in view of Savitzky et al. (hereinafter Savitzky) (US 6,012,083).**

5. As to claim 9, Burd teaches a computer implemented method of associating information received by a client from a server with a first at least one object (see Abstract), comprising:

locating, at the client, a start identifier (starting tag) and an end identifier (ending tag) in the information received from the server (server-side code that is responsible for displaying server data such as changing stock price or traffic information, etc.), wherein the end identifier corresponds to the start identifier (each starting HTML tag has a corresponding ending HTML tag) (col. 1, lines 64-67 through col. 2, lines 28, col. 4, lines 1-4, Fig. 4, items 2, 3, 10, 11, 12, 19, 20, 21, etc.);

identifying, at the client, a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code (server-side code of server-side application program is identified in HTML data and the webpage is displayed in the browser of the client) (col. 1, lines 64-67 through col. 2, lines 1-39, Fig. 2, items 214, 216, col. 7, lines 52-67); and

associating, at the client, an item of information appearing between the start identifier and the end identifier with the first object, wherein the item of information comprises a result generated by the server (server generates the HTML code that contains the object before sending to client to be displayed on web browser) in accordance with the first object (col. 1, lines 64-67 through col. 2, lines 1-39, Fig. 2, items 214, 216, col. 7, lines 52-67).

In summary, Burd teaches a server sending a client HTML code, wherein the HTML code can contain server-side code (col. 1, lines 64-67 through col. 2, lines 28, col. 5, lines 14-18). An example of the server-side code that Burd refers to could relate to the display of the dynamic changing of a stock price or the display of the constantly changing traffic information.

This server-side code can be formatted into the HTML that the client computer identifies in order to view the webpage with the content on a client computer. In HTML files, there are HTML start and end tags that appear before and after HTML code (For example, Fig. 4, items 2, 3, 10, 11, 12, 19, 20, 21, etc.). Server-side code (as well as other code in the HTML file) is located, identified, and associated by the client. The “result” is the HTML data that is generated by the server and that gets transmitted to the client (Fig. 2, 210, 214) for displaying (Fig. 2, 216) of the web page (which includes the displaying of the changing stock prices, traffic updates, etc.) on the client using a web browser (col. 1, lines 64-67 through col. 2, lines 28).

6. Burd is silent in storing the server-side code with said associated item of information at the client.

7. However, Savitzky discloses interaction between a Web client and a Web server, wherein the Web server “generates a document” (results generated by the Web server) so that the Web client can receive the generated document/results within the transmitted CGI scripts. Once the generated document/results are received by the Web client, it is stored by the Web client so that it could be used by the Web client. A client browser of the Web client displays the results of server-side code execution (see col. 1, liners 63-67 through col. 2, lines 1-20). Burd (col. 1, lines 23-50) and Savitzky (see Abstract) are analogous art because they are both in the same field of endeavor of an Internet web server framework for viewing web pages. One of ordinary skill in the art would have known to modify Burd's Internet client/server interaction such that server-side code with generated results from the server would be transmitted and stored at the client in order to provide a known mechanism for handling dynamic content. The suggestion/motivation for doing so would have been to provide the predicted result of improved processing of information

Art Unit: 2195

embodied in documents transferred over a network such as the Internet (col. 1, lines 8-11).

Furthermore, the user that is located at the client computer has more control over execution of programs if the computing is transferred with a document to the client computer, rather than the server (col. 2, lines 21-22). Therefore, it would have been obvious to one of ordinary skill in the art to combine Burd and Savitzky to obtain the invention of claim 9.

8. As to claim 11, Burd teaches wherein:

each of the start identifier and the end identifier comprises an object identifier (col. 4, lines 14-19, col. 6, lines 25-27, col. 8, lines 15-67, col. 12, lines 18-31, col. 13, lines 1-10); and identifying the first object comprises matching the start identifier and the end identifier with a first object identifier (col. 4, lines 14-19, col. 6, lines 25-27, col. 8, lines 15-67, col. 12, lines 18-31, col. 13, lines 1-10).

9. As to claim 12, Burd teaches wherein the start identifier and the end identifier comprise unique identifiers (col. 12, lines 17-31, col. 13, lines 1-20).

10. As to claim 15, Burd teaches:

locating a special attribute identifier in the information received from the server (col. 12, lines 17-31, col. 9, lines 50-53, col. 12, lines 6-34, col. 13, lines 1-20);

identifying a second object associated with the special attribute identifier (col. 12, lines 17-31, col. 9, lines 50-53, col. 12, lines 6-34, col. 13, lines 1-20); and

associating information corresponding to the special attribute identifier with the second object (col. 12, lines 17-31, col. 9, lines 50-53, col. 12, lines 6-34, col. 13, lines 1-20).

11. As to claim 27, it is rejected for the same reasons as stated in the rejection of claim 9.

12. As to claim and 29-30, they are rejected for the same reasons as stated in the rejection of claims and 11-12, respectively.

13. As to claim 33, they are rejected for the same reasons as stated in the rejection of claim 15.

14. As to claims 47-49 and 51, they are rejected for the same reasons as stated in the rejection of claims 9, 11-12, and 15, respectively.

### ***Response to Arguments***

15. During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

16. *Applicant argues that Burd and Holland fail to teach the server-side code being stored on the client, as currently amended.*

However, the new grounds of rejections of Burd in view of Savitzky make this argument moot. Savitzky, as shown above, teaches server-side code which contains results generated by the server that is transmitted to the client. Once sent to the client, it is stored so that it can be used by the client browser of the client computer.

17. *Applicant argued that the Office does not demonstrate how server-side code is associated with a start and end identifier.*

Both Burd and Savitzky support HTML. HTML, an initialism of HyperText Markup Language, is the predominant markup language for web pages. It provides a means to describe the structure of text-based information in a document — by denoting certain text as links, headings, paragraphs, lists, and so on — and to supplement that text with interactive forms, embedded images, and other objects. HTML is written in the form of tags, surrounded by angle brackets (start and end identifiers). HTML can also describe, to some degree, the appearance and semantics of a document, and can include embedded scripting language code (such as JavaScript) which can affect the behavior of Web browsers and other HTML processors.

18. In response to the argument for claims 13, 31, and 50, the Applicant's arguments were found to be persuasive. The Examiner has objected to those claims as being dependent upon a



rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth Tang/  
Examiner, Art Unit 2195

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit  
2195